

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, 1999

Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Elisha Verge, North Ash Church of the Nazarene

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of October 12, 1999 were approved 7 to 0.

AWARDS AND PRESENTATIONS

Proclamations

Mayor Knight presented the proclamations previously approved.

PUBLIC AGENDAComments by Ardith Dillard.

Ardith Dillard

Ardith Dillard, Deaf and Hard of Hearing Services (DHHS), said one of the biggest problem areas encountered by deaf individuals is the need for sign language interpreters within City programs and within the Police Department. Cable Channel 7 needs to add closed captioning; and the City's hearing device is inoperable at today's hearing.

Mayor Knight

Mayor Knight expressed appreciation for the way this request was being handled and for the matter being brought to the Council and City Manager's attention.

The City will try to have a response to Susan Cook or Ardith Dillard within one month.

UNFINISHED BUSINESS**CONDEMNATIONS****REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE - 1563 NORTH BELMONT.**

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 99-985 A.

This property was before the BCSA on July 7, 1999. No one was present to represent the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

The case was before the City Council on October 12, 1999, and was deferred until October 19, 1999, at the request of a prospective buyer.

Nothing has been done to the property and Staff has not heard from the prospective buyer.

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The 1996, 1997, and 1998 taxes in the amount of \$1,509.44 are still delinquent.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Rogers moved that the public hearing be closed, the Resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-407

A Resolution finding that the structure located on Lot 7, Block R, University Park, Wichita, Sedgwick County, Kansas, commonly known as 1563 N. Belmont, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Rogers moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

Z-3334

Z-3334 - ZONE CHANGE FROM "B" MULTI-FAMILY TO "GC" GENERAL COMMERCIAL; AND DP-132 - NUMBER ONE AMENDMENT TO THE VIA CHRISTI - ST. FRANCIS REGIONAL MEDICAL CENTER C.U.P. LOCATED ON THE NORTHEAST CORNER OF MURDOCK AND TOPEKA.
(District VI)

Motion -- carried

Knight moved that this Item be deferred one week. Motion carried 7 to 0.

NEW BUSINESS

IRB - VIA CHRISTI

PUBLIC HEARING AND ISSUANCE OF HOSPITAL FACILITIES IMPROVEMENT AND REFUNDING REVENUE BONDS - VIA CHRISTI HEALTH SYSTEM, INC. (Districts II, III, and VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-1032.

Background: On January 7, 1997, City Council approved the issuance of a Letter of Intent for Hospital Facilities Improvement and Refunding Revenue Bonds, to Via Christi Health System, Inc. in an amount not-to-exceed \$27.5 million, for certain capital projects, and in an amount not-to-exceed \$200.0 million to refund current existing debt. On September 21, 1999, Council approved reinstatement of the 1997 Letter of Intent for a six-month term, and an increase in the new money portion of the project from \$27.5 million to \$47.5 million.

Via Christi Health System was formed in October of 1995 through the consolidation of the St. Francis Ministry Corporation of the Sisters of Sorrowful Mothers and the CSJ Health System of Wichita of the sisters of St. Joseph of Wichita. During that same period, St. Francis Regional Medical Center and St. Joseph Medical Center were consolidated to form Via Christi Regional Medical Center. Via Christi Health System headquarters is located in Wichita at 929 N. St. Francis. Via Christi Health System operates and manages five hospitals on six campuses, a rehabilitation center, five senior care facilities and 18 physician practices in three states.

Bond proceeds will be used to refund all outstanding bonds issued by the City for the benefit of CSJ Health System, Inc. (to include, but not limited to, St. Joseph Medical Center) and St. Francis Regional Medical Center, Inc.; and, to provide financing for capital projects originally estimated at \$27.5 million, which includes acquisition of Via Christi Rehabilitation Center; purchase of major medical equipment; and remodeling and renovation of the St. Francis and St. Joseph Campuses.

Via Christi has identified a need for an increase in the new money portion of the proposed bond issue. An increase from \$27.5 million to \$47.5 million in the new money portion of the bond issue will cover underestimated costs for technology and previously unidentified requirements for improvement.

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SOURCES OF FUNDS

| | |
|------------------------|---------------|
| 1999 Bond Proceeds | \$126,000,000 |
| Total Sources | \$126,000,000 |
| Total Cost of Project: | \$126,000,000 |

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. Solomon Smith Barney, Inc. has agreed to underwrite the bonds. Via Christi agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Via Christi agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Cole moved that the public hearing be closed; the Ordinance be placed on first reading; November 2, 1999, be set as the date for second reading of the Ordinance; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Hospital Facilities Improvement and Refunding Revenue Bonds (Via Christi Health System, Inc.) in the aggregate principal amount of not to exceed \$126,000,000 for the purposes of refunding certain outstanding hospital revenue bond issues, acquiring certain existing hospital facilities and constructing and equipping certain additions to existing hospital facilities; prescribing the form and authorizing execution of a bond indenture by and between the City and Intrust Bank, N.A., as Bond Trustee; prescribing the form and authorizing the execution of a first supplemental restated and amended lease by and between Via Christi Regional Medical Center, Inc., and the City; prescribing the form and authorizing the execution of a first supplemental sublease and obligation No. 2A by and between the City and via Christi Regional Medical Center, Inc.; prescribing the form and authorizing the execution of a lease by and between the City and Via Christi rehabilitation Center, Inc.; prescribing the form and authorizing the execution of a sublease and Obligation No. 2B by and between the City and Via Christi Rehabilitation Center, Inc.; prescribing the form and authorizing the execution of a lease by and between the City and Mt. Carmel Medical Center, Inc.; prescribing the form and authorizing the execution of a sublease and Obligation No. 2C by and between the City and Mt. Carmel Medical Center, Inc.; prescribing the form and authorizing the execution of an Escrow Deposit Agreement by and between the City, Via Christi Health System, Inc. and Intrust Bank, N.A.; approving the Form of Guaranty Agreement and Obligation No. 2AA by and between Via Christi regional Medical Center, Inc. and the Bonds Trustee; approving the Form of Guaranty Agreement and Obligation No. 2BB by and between Via Christi Rehabilitation Center, Inc. and the Bond Trustee; approving the form of Guaranty Agreement and Obligation No. 2CC by and between Mt. Carmel Medical Center, Inc. and the Bond Trustee; prescribing the from and authorizing the execution of a Bond Purchase Agreement by and between the City, Via Christi Health System, Inc. and Solomon Smith Barney Inc., as Purchaser of the 1999 Bonds, introduced and under the rules laid over.

IRB - OLD TOWN

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS - OLD TOWN CENTER, L.L.C. (DISTRICT VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-1033.

On August 5, 1997, City Council approved the issuance of Industrial Revenue Bonds in the amount of \$2.5 million to Old Town Center, L.L.C. Bond proceeds were used to finance the purchase and renovation of property in the Old Town District, located at 800 East First. No property tax exemption was requested. On August 24, 1999, City Council approved an additional Letter of Intent for Industrial Revenue Bonds, to Old Town Center, L.L.C. in an amount not-to-exceed \$485,000 for the purpose of completing planned renovations to the property financed by the Series VII A&B 1997 Bonds.

The building, formerly referred to as the Maasco Building, has been redeveloped primarily for office space with some space available for retail. The building is a four-story structure with 8,800 s.f. of leasable space on each floor and 8,500 s.f. available in the basement.

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Original architectural cost estimates were below the actual cost of renovation. The additional bond financing is needed to complete originally planned finishing work on the building, which will complete the renovation project.

Chapman Securities, Inc., which is related to Old Town Center, L.L.C., has agreed to underwrite the bond issue. The law firm of Hinkle Elkouri, L.L.C., will serve as bond counsel for the current improvement project. Old Town Center, L.L.C. agrees to comply with all conditions contained in the Industrial Revenue Bond Policy.

SOURCES OF FUNDS

| | |
|---------------|-----------|
| Bond Proceeds | \$485,000 |
| Total Sources | \$485,000 |

USE OF BOND PROCEEDS

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|-----------------------------------|-----------|
| Construction Costs | \$430,000 |
| Underwriting and Cost of Issuance | 32,000 |
| Capitalized Interest | 23,000 |
| Total Uses: | \$485,000 |

Old Town Center agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Old Town Center, L.L.C. does not request tax exemption on the renovation project.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Cole moved that the public hearing be closed; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$485,000 Aggregate Principal Amount of Subordinated Taxable Industrial Revenue Bonds, Series XII, 1j999 (Old Town Center, L.L.C.) for the purpose of providing funds to complete the acquisition, purchase, renovation and equipping of an office building; prescribing the form and authorizing execution of a First Supplemental Trust Indenture by and between the City and Central Bank and Trust Company, Hutchinson, Kansas, as Trustee, with respect to the Bonds; prescribing the form and authorizing the execution of a First Supplemental Lease Agreement by and between the City and Old Town Center, L.L.C.; approving the form of a Guaranty Agreement; and approving the form of an individual Guaranty Agreement; authorizing the execution of a Bond Purchase Agreement by and between the City, Old Town Center, L.L.C., and Chapman securities, Inc., as Purchaser of the Series XII, 1999 Bonds, introduced and under the rules laid over.

IRB - BIG DOG

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS - BIG DOG MOTORCYCLES, L.L.C. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-1034.

Big Dog Motorcycles, L.L.C. was founded in Wichita 1992. Big Dog is owned by Waterview Realty, L.L.C., which is 100% owned by Waterview Holdings, L.L.C. Waterview Holdings is a holding company owned by CD Investment Partners, L.P., the Coleman family's investment partnership. The partnership consists of various Coleman family Trusts, with Mr. Sheldon Coleman serving as CEO.

Big Dog Motorcycles originated as a small customizer of Harley Davidson motorcycles. Following its move to the present location at 140 N. Ohio, Big Dog developed its own product designs and became a licensed manufacturer of high end, quality cruiser motorcycles. The business has expanded and currently has 50 dealers around the country. Big Dog Motorcycles is now requesting an eighteen-month Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$2 million and a five-plus-five-year 100% property tax exemption on all portions of the proposed project

Big Dog Motorcycles has grown from one part-time employee to a national headquarters for 80 full-time employees in 1998. Sales have grown from \$434,000 in 1995 to \$18 million in 1999. In 1999, over 850 high-end motorcycles will be manufactured in eight different models. The majority of the Big Dog sales are exports outside

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Kansas. As a result of rapidly increasing sales and strong sales projections, Big Dog proposes to acquire and equip a new national headquarters manufacturing facility in Wichita. Proceeds from the proposed bond issue will be used to acquire, refurbish and equip the Quality Chevrolet building at 1520 East Douglas in central Wichita. Big Dog Motorcycles will create 35 new jobs in five years, in conjunction with the proposed project.

USES OF FUNDS

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|------------------------|--------------|
| Land | \$ 100,000 |
| Building | 1,100,000 |
| Remodeling Cost | 450,000 |
| Equipment | 300,000 |
| Costs of Issuance | 50,000 |
| Total Cost of Project: | \$ 2,000,000 |

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. The firm of Froggatte & Company will act as Financial Advisor in the issuance of the bonds. The bonds will be privately placed. Big Dog Motorcycle agrees to comply with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios of 1.36 to 1 for the City of Wichita; .74 to 1 for Sedgwick County; .06 to 1 for USD 259 and 17.19 to 1 for the State of Kansas.

Big Dog Motorcycles agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Royal Caribbean qualifies for a five-plus-five-year 100% property tax exemption on the bond financed property on the basis of a national headquarters manufacturing facility, subject to Council review.

In addition to a five-plus-five-year 100% property tax exemption on new bond financed property, Big Dog Motorcycle is requesting the Quality Chevrolet property, currently on the tax rolls, also be granted a five-plus-five-year 100% property tax exemption. The benefit of removing existing property from the tax roll is the opportunity to support the expansion of an important home-grown company in order to keep them in Wichita. The total general tax payment for the Quality Chevrolet property for 1998 was \$11,742.

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| Mayor Knight | Mayor Knight inquired whether anyone wished to be heard and no one appeared. |
| Council Member Lambke | Council Member Lambke explained that while he is in favor of the project, he is in opposition to removing property from the tax rolls. |
| Mayor Knight | Mayor Knight spoke in favor of maintenance of a full-throttle economy. |
| Council Member Cole | Council Member Cole said the downtown corridor badly needs revitalization and the choice of this particular location is truly exciting. |
| Council Member Pisciotte | Council Member Pisciotte said the possibility of a large facility being left empty is shocking. The benefit to cost ratio is also solid. |
| Motion -- | Rogers moved that the public hearing be closed; a eighteen-month Letter of Intent to Big Dog Motorcycles, L.L.C. for Industrial Revenue Bonds in an amount not-to-exceed \$2 million be approved; a five-plus-five-year 100% tax exemption on all portions of the proposed project, subject to Standard Letter of Intent conditions be granted; and the necessary signatures be authorized. Motion carried 6 to 1. Lambke - No. |
| -- carried | |

IRB - COLEMAN

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS - COLEMAN COMPANY, INC. (District I)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 99-1035.

On August 10, 1993, City Council approved a five-year Letter of Intent for IRBs in an amount not to exceed \$80 million, and approved a ten-year 100% property tax exemption for property financed with IRBs, for the Coleman Company, Inc. On December 14, 1993, the original Letter of Intent was extended until January 1, 2000 for the purpose of utilizing bond proceeds until the end of the project, scheduled to be in December of 1999. Bond proceeds were used to finance the construction of a new corporate headquarters, the expansion of existing

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manufacturing facilities and the purchase of additional machinery and equipment for its manufacturing facilities in Wichita and Maize. The Coleman Company, Inc. headquarters is located at 2111 E. 37th St. North in northeast Wichita. The Coleman Company is now asking the City to issue a Letter of Intent in an amount not-to-exceed \$45 million for a period of four years. Coleman also requests a ten-year 100% property tax exemption on the new IRB financed property.

The project will be located at Coleman's "North East" plant, where lanterns, camp stoves, heaters, picnic coolers and beverage jugs are manufactured and warehoused. This facility also houses research and development operations. A secondary location of the project will be Coleman's "Beacon" plant, which is used to manufacture propane fuel containers and to manufacture machined parts used mostly at the North East plant. The Beacon plant is located in the City of Maize, Kansas.

The focus of the Coleman enhancement project is a structural factory redesign and retooling of the cooler product area. Significant research and development has been recently expended to design new coolers. As a result of new product offerings, new tooling and manufacturing equipment is required under the current improvement project. In conjunction with the current improvement project, Coleman plans to add 200 new jobs to their current employment of 1,189 within four years.

Of the not-to-exceed \$45 million Letter of Intent, approximately \$40 million is targeted for improvements at the northeast Wichita plant. Approximately \$5 million is targeted for related improvements at the Maize, KS facility.

Northeast Wichita Plant

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| Structural Factory Redesign and Technical Equipment | \$5,500,000 |
| Manufacturing Equipment and New Tooling | 34,500,000 |
| Total : | \$40,000,000 |

Beacon Plant – Maize, KS

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|---|-------------|
| Structural Factory Redesign and Technical Equipment | \$500,000 |
| Manufacturing Equipment and New Tooling | 4,500,000 |
| Total: | \$5,000,000 |

The bonds will be purchased by the Coleman Company or an affiliate and not reoffered to the public. The Coleman Company, Inc. agrees to comply with all conditions contained in the Standard Letter of Intent Conditions, a copy of which is attached here to. Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating combined benefit-to-cost ratios of 1.58 to 1 for the City of Wichita; 1.41 to 1 for Sedgwick County; 1.02 to 1 for USD 259 and 5.6 to 1 for the State of Kansas.

The Coleman Company, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Coleman, as a national headquarters, qualifies for a five-plus-five-year 100% tax exemption of ad valorem property taxes on the improvement project.

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| Bill Phillips | Bill Phillips, Coleman Co., said he understood the importance of the Coleman Company to the community. The Coleman Company has been through some interesting time during the last five years. Coleman will be celebrating 100 years in Wichita within the next 12 to 18 months. |
| Mayor Knight | Mayor Knight inquired whether anyone wished to be heard and no one appeared. |
| Council Member Rogers | Council Member Rogers stated that the citizens of District I have benefited from the Coleman Company. |
| Motion -- | Rogers moved that the public hearing be closed;a a four-year Letter of Intent to Coleman Company, Inc. for Industrial Revenue Bonds in an amount not-to-exceed \$45 million be approved; a five-plus-five-year 100% tax exemption be granted; and the necessary signatures be authorized. Motion carried 7 to 0. |
| -- carried | |

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PAVING PETITION

PETITION TO PAVE FLORA, FROM ST. LOUIS TO 160 FEET SOUTH OF CENTRAL. (District IV)

Mayor Knight momentarily absent with Vice Mayor Rogers in the Chair.

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-1036.

The signatures on the Petition represent 18 of 33 (54.6%) resident owners of 40.6% of the improvement district area. On September 23, 1999, CPO Council 4 considered the Petition. The Council deferred action on the Petition so that Public Works staff could verify that the signatures represent a majority of the ownership of the improvement district. The signatures on the Petition have been reviewed and the Petition is valid.

Flora, between St. Louis and 160' south of Central, is a sand road that provides access to an area comprised predominantly of single-family homes.

The estimated project cost is \$185,000 with \$166,500 assessed to the improvement district and \$18,500 paid by the City. The proposed method of assessment is the square foot basis. The estimated assessment rate is \$00.38 per square foot of ownership. The City share is for the cost of intersection paving. The funding source for the City share is General Obligation Bonds.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Gale moved that the Petition be approved; the Resolution be adopted; and the Staff Screening & Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-99-408

Resolution of findings of advisability and Resolution authorizing improving of Flora, from the north line of St. Louis Avenue to the south line of Killingsworth Addition (472-83146) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

EMPLOYEE PENSION

EMPLOYEE PENSION ENHANCEMENTS.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 99-1037.

The Police & Fire Retirement Board (P&F) and the Wichita Employees' Retirement Board (WER) have worked in concert with City management for an extended time to review and analyze potential revisions to the employee pension program of benefits. This review included comparisons of City benefits to other peer public employers, employee surveys, and a review of financial capacity to ascertain what level of additional benefits the pension funds (and the City in making an employer contribution) could sustain.

The goals in undertaking this pension assessment included the following:

- (1) Supporting benefits that could be sustained without an increase in employer and employee contributions.
- (2) Providing pension benefits that permitted the City to recruit/retain employees in the current and future labor market.
- (3) Enhancing benefits for long-term employees.
- (4) Providing portability in pension benefits.
- (5) Enhancing benefits to provide greater equity among employee groups.

Police & Fire Pension Enhancements

The proposed pension benefit enhancements for the Police & Fire pension system and employees are:

- (1) Indexing deferred pensions up to 5.5% per year to the National Wage Earner Average Index for employees who leave service and elect to draw a pension at a later date.

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- (2) Providing a minimum retirement benefit of \$8,183 annually to those whom retired 10 or more years ago (this primarily benefits some longstanding retirees who left service well before the current plan benefits were enacted).
- (3) Adding a "Back DROP" allowing a retiring employee to take up to five years of service credit (over a base of 20 years) as a lump sum amount with a reduced annuity.
- (4) Miscellaneous benefit enhancement changes in surviving spouse and other survivor benefits, sick leave conversion, and interest credit.

Wichita Employees' Pension Enhancements

The proposed pension benefit enhancements for the Wichita Employees' pension system and employees are:

- (1) Increasing the maximum benefit from 50% to 75% for Plan 2.
- (2) Adding a 2% non-compounded post-retirement adjustment for future Plan 2 retirees following 3 years of retirement.
- (3) Increasing surviving spouse benefits and adding minor child survivor benefits.
- (4) Removing age and service requirements (other than vesting at 7 years) for pre-retirement death benefits.
- (5) Adding a "Forward DROP" allowing employees who have met age and service requirements to extend their service up to five additional years with their pension annuity deposited and deferred during the DROP period.
- (6) Continuing a City contribution to Plan 3 (the "defined contribution" pension plan that is an alternative plan selection for some employees) as a match to the employee contribution (currently 4.1%) for all years of service (the employer match was previously capped at 22.2 years of service).

Additionally, the WER Board is planning a Plan 2/3 referendum to increase the employee contribution from 4.1% to 4.7% to fund an earlier implementation of the post-retirement adjustment from 2% after three years of retirement to 2% after one year of retirement. If the referendum is favorable, the WER Board will recommend, at a later time, a further ordinance revision to enact this employee-funded benefit enhancement.

The benefit enhancements have been reviewed by the respective pension Boards and are recommended to the City Council by the Boards. City staff has worked closely with the Boards in this review and also recommends the changes to the City Council.

Funding for the proposed benefit enhancements are projected to be accomplished within the existing and projected future financial resources of the P&F and WER pension funds based on an actuarial review. Following the actuarial review, a second actuarial review was commissioned to verify the analysis and conclusions of the initial actuarial analysis (the second actuarial study confirmed the conclusions of the first).

The proposed plan of finance provides for a two percent (2%) employer contribution reserve over and above the actuarial requirement. This reserve is also financed within the existing employer (City) contributions to both the P&F and WER funds. The method for establishing this reserve fund is currently under review with the Law Department and External Auditor, and will be returned to the City Council for action at a later date.

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| Mayor Knight | Mayor Knight inquired whether anyone wished to be heard. |
| Marvin Fisher | Marvin Fisher said it is essential this plan be adopted. This is a plan that will help retain employees. |
| Ron Aaron | Ron Aaron said this is a good plan and urged approval. |
| Harold Schlectweg | Harold Schlectweg said this plan addresses a lot of concerns that have been raised by employees. |
| Mayor Knight | Mayor Knight said he was not interested in penalizing any employees who may be caught in the middle of the betterment changes. |
| Council Member Cole | Council Member Cole requested information on the projected costs, conservatively, that will be paid out. |
| Council Member Pisciotte | Council Member Pisciotte said he had asked for additional information, by second reading of the ordinance, from the Director of Finance regarding retroactive costs and how far back retroactive cases would go. |
| Council Member Rogers | Council Member Rogers spoke of concern regarding how many employees would be impacted with retroactive cases. Council Member Rogers requested as much information as possible be supplied regarding retroactive cases. |
| Motion -- carried | Pisciotte moved that the Ordinances be placed on first reading. Motion carried 7 to 0. |

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CHARTER ORDINANCE

A Charter Ordinance of the City of Wichita, Kansas, amending Charter Ordinance No. 161 and providing additional provisions all related to the Police and Fire Retirement System of the City of Wichita and repealing the originals of those amended sections, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Sections 2.28.005, 2.28.010, 2.28.080, 2.28.085, 2.28.110, 2.28.130, 2.28.140, 2.28.150, 2.28.160, 2.28.200, 2.28.240, 2.28.260, 2.28.270, 2.28.300, 2.28.330, 2.28.340, 2.28.350, 2.28.360, 2.28.500, 2.28.520, 2.28.530, 2.28.560, 2.28.570, 2.28.580, 2.28.590, 2.28.600, 2.28.610, and creating Sections 2.28.086, 2.28.135, 2.28.190, 2.28.335, 2.28.245, 2.28.275, 2.28.335, and 2.28.585 of the Code of the City of Wichita, Kansas, pertaining to the elimination of outdated Ordinance language, incorporation of revisions to employee benefits, all relating to the City of Wichita's Employees' Retirement System, and repealing the originals of said sections, introduced and under the rules laid over.

(This Item was considered later in the meeting. Action is shown in agenda order.)

PAVING ASSESSMENTS PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR 22 PAVING PROJECTS.

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-1038.

The Council was notified on September 14, 1999, that the proposed assessment rolls were on file for public inspection in the Debt Management Section of the Finance Department.

Notice of hearing was published September 24, 1999, ten days prior to the date of hearing, and affected property owners have been notified in writing. City personnel held an informal hearing October 4, 1999, for the paving projects.

Statements of Special Assessment will be mailed to the property owners on October 29, 1999. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the February 2000 Bond Sale and put on the 2000 tax roll over a 15-year spread at the interest rate for which the bonds sell.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. All were 100% petitions with the exception of:

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| Project No.: | |
| 472-82715 | 51% Petition – 19th Street |
| 472-82807 | 69% Petition – Doris Street |
| 472-82808 | 54% Petition – Memory Lane |
| 472-82809 | 55% Petition – Curtis Street |
| 472-82810 | 69% Petition – 11st Street |
| 472-82913 | 60% Petition – The Alley between Main & Market |

PAVING PROJECTS:

a. (490-611/765099/472-81844) - Improving of Brown Thrush - south of Second Street, west of Brunswick, as authorized by Resolution, adopted October 18, 1988, published October 21, 1988; and republished July 21, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$192,484.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.

b. (490-362/762591/472-81892) - Improving of a left turn lane on 21st Street North from the west line of Lot 1 to the west line of Lot 5, Block 6 to serve Sterling Farms Addition - on 21st Street North, West of Tyler, as authorized by Resolution, adopted February 14, 1989, published February 17, 1989. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 13, 1999 in the amount of \$83,105.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.

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- c. (490-467/763649/472-82715) - Improving of 19th Street from Santa Fe to Mosley - south of 21st Street, west of Washington, as authorized by Resolution No. R-96-177, adopted May 7, 1996, published May 10, 1996. Petition for this improvement was signed by owners representing 51 percent of the property ownership. The Statement of Cost approved July 13, 1999 in the amount of \$91,340.00 is to be apportioned 91 percent to the improvement district and 9 percent to the City-at-Large. The cost has been assessed on a square foot basis.
- d. (490-633/765313/472-82752) - Improving of Cardington, Ryan, Shefford, Cardington Courts, Central Park Court, and Central Park Circle - north of 21st, east of 119th Street West, as authorized by Resolution No. R-96-404, adopted October 29, 1996, published November 1, 1996. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$380,612.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- e. (490-550/764472/472-82807) - Improvement of Doris Street from the north line of Lot 1, Block A, Eck 4th Addition to the south line of 11th Street, as authorized by Resolution No. R-97-293, adopted August 12, 1997, published September 12, 1997. Petition for this improvement was signed by owners representing 69 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$55,837.00 is to be apportioned 90.2 percent to the improvement district and 9.8 percent to the City-at-Large. The cost has been assessed on a fractional basis.
- f. (490-551/764480/472-82808) - Improving of Memory Lane from the east line of Doris Street to the north line of Compton, as authorized by Resolution No. R-97-294, adopted August 12, 1997, published August 15, 1997. Petition for this improvement was signed by owners representing 54 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$59,406.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- g. (490-552/764498/472-82809) - Paving of Curtis Street from the north line of Lot 1, Steve Kelly Addition to the south line of 11th Street, as authorized by Resolution No. R-97-305, adopted August 12, 1997, published August 20, 1997. Petition for this improvement was signed by owners representing 55 percent of the property ownership. The Statement of Cost approved July 13, 1999 in the amount of \$23,786.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a square foot basis.
- h. (490-549/764-464/472-82810) - Improvement of 11th Street from the west line of Doris Street to the west line of Curtis Street - south of 13th Street North, east of Hoover, as authorized by Resolution No. R-97-295, adopted August 12, 1997, published September 12, 1997; and Rescinding Resolution No. R-98-220, adopted June 2, 1998, and published June 10, 1998. Petition for this improvement was signed by owners representing 69 percent of the property ownership. The Statement of Cost approved July 13, 1999 in the amount of \$89,475.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- i. (490-567/764654/472-82879) - Improving of Bayview Street, Sandkey Street, Sandkey Courts, Harborside Drive, and Bayview Court - west of Meridian, south of 53rd Street North, as authorized by Resolution No. R-97-388, adopted October 28, 1997, published October 31, 1997; and Rescinding Resolution No. R-98-275, adopted July 7, 1998, published July 13, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$903,346.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- j. (490-572/764704/472-82891) - Improving of Santa Fe from 19th Street North to 300 feet south of 19th Street North, as authorized by Resolution No. R-97-425, adopted December 9, 1997, published December 12, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$81,260.00 is to be apportioned 70 percent to the improvement district and 30 percent to the City-at-Large. The cost has been assessed on a square foot basis.
- k. (490-582/764803/472-82913) - Pavement of the alley between Main and Market, from the 8th to 9th Street, as authorized by Resolution No. R-98-072, adopted March 3, 1998, published March 6, 1998; and republished May 7, 1999. Petition for this improvement was signed by owners representing 60 percent of the property ownership. The Statement of Cost approved July 13, 1999 in the amount of \$55,317.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a front foot basis.

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- l. (490-581/764795/472-82915) - Improving of Highland Springs, Highland Springs Courts, and sidewalk along both sides of Highland Springs - south of Central, west of 135th Street West, as authorized by Resolution No. R-98-063, adopted March 3, 1998, published March 6, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$417,821.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- m. (490-632/765305/472-82941) - Improving of Hoyt Circle, from the south line of Bluestem to and including cul-de-sac; and Fox Run Circle, from the south line of Bluestem to and including cul-de-sac - south of Harry, east of Webb, as authorized by Resolution No. R-98-241, adopted June 16, 1998, published June 19, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$92,978.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- n. (490-614/765123/472-82946) - Improving of Hickory, Birch, Azure, Azure Circles and sidewalk - north of Central, west of 119th Street West, as authorized by Resolution No. R-98-253, adopted June 16, 1998, published June 19, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 13, 1999 in the amount of \$237,483.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- o. (490-610/765081/472-82949) - Improving of Bristol Court from the west line of Bristol to and including the cul-de-sac - north of Central, east of Greenwich, as authorized by Resolution No. R-98-283, adopted July 7, 1998, published July 13, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$65,925.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- p. (490-612/765107/472-82959) - Paving of Cooper and Elmwood Street - North of Pawnee, west of Webb, as authorized by Resolution No. R-98-327, adopted July 28, 1998, published July 31, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 13, 1999 in the amount of \$238,411.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- q. (490-639/765370/472-82984) - Improving of Graber Circle, Wildwood Circle, and 29th Street Circle, to serve Custer Addition - south of Pawnee, west of Meridian, as authorized by Resolution No. R-98-360, adopted August 18, 1998, published August 21, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 13, 1999 in the amount of \$219,888.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- r. (490-658/765547/472-82986) - Improving of Chateau from the south line of Smithmoor 3rd Addition to the south line of Smithmoor Eighth Addition - south of Harry, east of Webb, as authorized by Resolution No. R-98-345, adopted August 4, 1998, published August 7, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$75,681.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- s. (490-641/765396/472-83015) - Improving of Cedar Downs Circle and Cedar Downs Court - south of Central, west of 119th Street West, as authorized by Resolution No. R-98-464, adopted October 13, 1998, published October 16, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 13, 1999 in the amount of \$131,300.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- t. (490-663/765552/472-83061) - Improving of pavement on west 21st Street North and a Public Fire Hydrant at the Eastern Most Drive - south of 21st, west of Ridge, as authorized by Resolution No. R-99-061, adopted February 9, 1999, published February 12, 1999, and republished July 21, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$67,159.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.
- u. (490-608/765065/472-89252) - Improving of Monroe Circle from the west line of Tyler Road, west to and including the cul-de-sac - west of Tyler, north of Harry, as authorized by Resolution No. R-98-249, adopted

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June 16, 1998, published June 19, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 13, 1999 in the amount of \$177,781.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.

v. (490-607/765057/472-89253) - Improving of Lakeway Court including cul-de-sac, and Lakeway Circle including cul-de-sac - north of 21st Street, west of Hoover, as authorized by Resolution No. R-98-232, adopted June 2, 1998, published June 5, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999 in the amount of \$243,752.00 is to be apportioned 100 percent to the improvement district and none to the City-at-Large. The cost has been assessed on a fractional basis.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the public hearing be closed; the assessments be approved; and the Ordinances be placed on first reading. Motion carried 7 to 0.

a. (490-611/765099/472-81844)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Brown Thrush - south of Second Street, west of Brunswick, introduced and under the rules laid over.

b. (490-362/762591/472-81892)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of a left turn lane on 21st Street North from the west line of Lot 1 to the west line of Lot 5, Block 6 to serve Sterling Farms Addition - on 21st Street North, West of Tyler, introduced and under the rules laid over.

c. 490-467/763649/472-82715)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of 19th Street from Santa Fe to Mosley - south of 21st Street, west of Washington, introduced and under the rules laid over.

d. (490-633/765313/472-82752)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Cardington, Ryan, Shefford, Cardington Courts, Central Park Court, and Central Park Circle - north of 21st, east of 119th Street West, introduced and under the rules laid over.

e. (490-550/764472/472-82807)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Doris Street from the north line of Lot 1, Block A, Eck Fourth Addition to the south line of 11th Street, introduced and under the rules laid over.

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f. (490-551/764480/472-82808)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Memory Lane from the east line of Doris Street to the north line of Compton, introduced and under the rules laid over.

g (490-552/764498/472-82809)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Paving of Curtis Street from the north line of Lot 1, Steve Kelly Addition to the south line of 11th Street, introduced and under the rules laid over.

h. (490-549/764-464/472-82810)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improvement of 11th Street from the west line of Doris Street to the west line of Curtis Street - south of 13th Street North, east of Hoover, introduced and under the rules laid over.

i. (490-567/764654/472-82879)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Bayview Street, Sandkey Street, Sandkey Courts, Harborside Drive, and Bayview Court - west of Meridian, south of 53rd Street North, introduced and under the rules laid over.

j. (490-572/764704/472-82891)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Santa Fe from 19th Street North to 300 feet south of 19th Street North, introduced and under the rules laid over.

k. (490-582/764803/472-82913)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of pavement of the alley between Main and Market, from the 8th to 9th Street, introduced and under the rules laid over.

l. (490-581/764795/472-82915)

ORDINANCE\

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Highland Springs, Highland Springs Courts, and sidewalk along both sides of Highland Springs - south of Central, west of 135th Street West, introduced and under the rules laid over.

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m. (490-632/765305/472-82941)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Hoyt Circle, from the south line of Bluestem to and including cul-de-sac; and Fox Run Circle, from the south line of Bluestem to and including cul-de-sac - south of Harry, east of Webb, introduced and under the rules laid over.

n. (490-614/765123/472-82946)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Hickory, Birch, Azure, Azure Circles and sidewalk - north of Central, west of 119th Street West, introduced and under the rules laid over.

o. (490-610/765081/472-82949)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Bristol Court from the west line of Bristol to and including the cul-de-sac - north of Central, east of Greenwich, introduced and under the rules laid over.

p. (490-612/765107/472-82959)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Cooper and Elmwood Street - North of Pawnee, west of Webb, introduced and under the rules laid over.

q. (490-639/765370/472-82984)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Graber Circle, Wildwood Circle, and 29th Street Circle, to serve Custer Addition - south of Pawnee, west of Meridian, introduced and under the rules laid over.

r. (490-658/765547/472-82986)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Chateau from the south line of Smithmoor Third Addition to the south line of Smithmoor Eighth Addition - south of Harry, east of Webb, introduced and under the rules laid over.

s. (490-641/765396/472-83015)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Cedar Downs Circle and Cedar Downs Court - south of Central, west of 119th Street West, introduced and under the rules laid over.

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t. (490-663/765552/472-83061)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of pavement on west 21st Street North and a Public Fire Hydrant at the Eastern Most Drive - south of 21st, west of Ridge, introduced and under the rules laid over.

u. (490-608/765065/472-89252)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Monroe Circle from the west line of Tyler Road, west to and including the cul-de-sac - west of Tyler, north of Harry, introduced and under the rules laid over.

ORDINANCE

v. (490-607/765057/472-89253)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Lakeway Court including cul-de-sac, and Lakeway Circle including cul-de-sac - north of 21st Street, west of Hoover, introduced and under the rules laid over.

CITY COUNCIL AGENDA

APPOINTMENTS

APPOINTMENTS:

There were no appointments made to Boards and Commissions.

ADDENDUM ITEM MUNICIPAL JUDGE

APPOINTMENT OF MUNICIPAL JUDGE NOMINATING COMMISSION.

Agenda Report No. 99-1059.

A vacancy will occur because of the pending resignation of a Municipal Court Judge. Charter Ordinance No. 171 provides the procedure for consideration of individuals for appointment to the office of Municipal Court Judge. Under Charter Ordinance No. 171, it is necessary to appoint a Municipal Judge Nominating Commission to consider the current incumbents for retention. The Nominating Commission is to be composed of two non-lawyer members appointed by the City Council and three lawyer members nominated by the Wichita Bar Association and appointed by the City Council.

Appointment of Municipal Court Nomination Commission is necessary to review the applications from persons interested in filling the vacancy. The Wichita Bar Association has been asked to provide its recommendations for lawyers to serve on the Nominating Commission for this purpose.

The pendency of a vacancy in the office of Municipal Court Judge triggers the provisions of Charter Ordinance No. 171, which prescribes the process for the selection and appointment of Municipal Court Judges.

Motion -- carried

Rogers appointed Eugene Anderson and moved that the appointment be approved. Motion carried 7 to 0.

Motion -- carried

Knight appointed Dr. Green and moved that the appointment be approved. Motion carried 7 to 0.

Motion --
-- carried

Knight appointed the Wichita Bar Association nominations: Steve Robison, Emily Metzger, and Suzanne Dwyer, and moved that the appointments be approved. Motion carried 7 to 0.

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CONSENT AGENDA

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 18, 1999.

Bids were opened October 15, 1999, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains
as per specifications

Murdock Paving at Wichita Street and Storm Sewer, Phase II - Murdock at Wichita Street. (472-83473/706002/405154) Traffic to be maintained during construction except for a two- week closure of Murdock at Wichita Street. City Council approval date: 2/4/97. (District VI)

Ritchie Paving - \$141,045.15

Knight moved that the Contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate. Motion carried 7 to 0.

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Hot and Cold Mix Asphalt. (132225)

Kansas Paving - \$38.75 (Group I/cost per ton)

Asphalt Construction Co. - \$39.00 (Group II-Proposal 1/cost per ton)
\$43.05 (Group II-Proposal 2/cost per ton)
\$43.05 (Group II-Proposal 3/cost per ton)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Water Meters. (188201)

Badger Meter, Inc. - \$11.60 (Group I-item 4/per each)
\$14.40 (Group I-item 5/per each)
\$18.30 (Group I-item 6/per each)
\$ 3.55 (Group I-item 10/per each)
\$ 4.57 (Group I-item 11/per each)
\$ 7.10 (Group I-item 12/per each)
\$ 6.49 (Alternate Bid: Group I-item 12/per each)
\$14.00 (Group I-item 13/per each)
\$14.00 (Group I-item 14/per each)
\$25.00 (Group I-item 15/per each)
\$23.30 (Alternate Bid: Group I-item 15/per each)

Note: Group I/items 1-3 and 7-9 were rejected.

\$53.93 (Option 1-item 1/per each)
\$76.26 (Option 1-item 2/per each)
\$99.62 (Option 1-item 3/per each)
\$33.66 (Option 1-item 4/per each)
\$33.66 (Option 1-item 5/per each)
\$33.66 (Option 1-item 6/per each)

Metron-Farnier, L.L.C. - \$945.00 (Group II-item 1/per each)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Restrained Joint Pipe and Couplings.
(188425)

Water Products Inc. - \$ 6.63 - (Item 1/per foot)
\$ 4.03 - (Item 2/per foot)
\$ 2.38 - (Item 3/per foot)
\$24.19 - (Item 4/per foot)
\$18.86 - (Item 5/per foot)
\$13.48 - (Item 6/per foot)

Knight moved that the contracts be awarded as outlined above, same being the lowest and best bid. Motion carried 7 to 0.

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LICENSE APPS.

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES.

Renewal 1999 (Consumption on Premises)

Dennis H. Grady Wichita Canteen Company, Inc.* 1845 Fairmount

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the license applications be approved subject to staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS.

a. 19th Street North, from the east line of Wabash to the west line of Ohio to serve Meekin's, Harvey's and Beacon Additions - east of Broadway, south of 21st Street North. (472-83082/765574/490685) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 3/16/1999. (District VI)

Motion -- Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m. October 29, 1999. Motion carried 7 to 0.
-- carried

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no subdivision plans and specifications considered.

PRELIMINARY ESTIMATES

PRELIMINARY ESTIMATES:

a. 1999-2000 CDBG public facilities and improvements (Phase A) concrete - at various locations. (99-602302-A/602302/800901). Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 3/16/99. (Districts I, III and VI) - \$560,075.00

b. 1999 condemned sidewalk and wheelchair ramps - Phase I - at various locations. (/132100 & 785931/n/a and 399125) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/11/98. - \$173,580.00

c. Lateral 77, Main 22, War Industries Sewer to serve Mediterranean Plaza Addition - north of 29th Street North, east of Rock. (468-83017/743806/480494) Does not affect existing traffic. City Council approval date: 8/10/99. (District II) - \$13,390.00

d. Lateral 430, Southwest Interceptor Sewer to serve an Unplatted Tract - south of 55th Street South, east of Meridian. (468-82996/743802/480490) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 6/8/99. (District IV) - \$12,000.00

e. Reconstruct a portion of Main 3, War Industries Sewer in Fabrique from Funston to Harry - west of Woodlawn, south of Harry. (468-82993/620264/669389) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District III) - \$231,500.00

f. Central, West Street to McLean Boulevard. (472-82906/706689/208222) Amended - \$4,500,000.00

Motion -- carried Knight moved that the preliminary estimates be received and filed. Motion carried 7 to 0.

PETITIONS

STORM WATER SEWER TO SERVE AUBURN HILLS FIFTH ADDITION -- NORTH OF KELLOGG, EAST OF 151ST STREET WEST. (District V)

Agenda Report No. 99-1040.

The signatures on the Petition represent two owners that own 100% of the improvement district.

Auburn Hills 5th Addition, a new residential development, was platted in 1998. The developer has submitted a new petition that expands the improvement district to accommodate additional development.

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There is no change to the project budget.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0

RESOLUTION NO. R-99-409

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 497 (north of Kellogg, east of 151st Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SANITARY SEWER AND WATER DISTRIBUTION SYSTEMS TO SERVE HICKORY CREEK ADDITION – SOUTH OF 13TH STREET, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 99-1041.

The signatures on the Petition represent two owners that own 100% of the improvement district.

Auburn Hills 5th Addition, a new residential development, was platted in 1998. The developer has submitted a new petition that expands the improvement district to accommodate additional development.

There is no change to the project budget.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0

RESOLUTION NO. R-99-410

Resolution of findings of advisability and Resolution authorizing construction of water distribution system Number 448-88982 (south of 13th, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-411

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 497 (north of Kellogg, east of 151st Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 99-1058.

Wildcat Construction Company, Inc. is installing a 48" water line (part of the Northeast Transmission Facility – Phase 1B) in 11th Street North. The installation is proceeding east of Waco and because of the depth (12'-13') and width (7'-8' minimum if shoring is used) of the trench, the Contractor is requesting a 3-day complete closure of the north/south arterial streets as follows:

Broadway at 11th Street: Begin closure approx. 8:30 a.m., Monday, October 25, 1999.
Open to traffic by 7:00 a.m. Thursday, October 28, 1999.
Northbound traffic detoured using 9th, Emporia and 13th Street.
Southbound traffic detoured using 13th Street, Main and Murdock.

Topeka at 11th Street: Begin closure approx. 8:30 a.m., Monday, November 1, 1999.
Open to traffic by 7:00 a.m., Thursday, November 4, 1999.
Northbound traffic detoured using 13th, Broadway and 10th Street.

Emporia at 11th Street: Begin closure approx. 8:30 a.m., Monday, November 8, 1999.
Open to traffic by 7:00 a.m., Thursday, November 11, 1999.
Northbound traffic detoured using 9th, Broadway and 13th Street.

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St. Francis at 11th Street: Begin closure approx. 8:30 a.m., Monday, November 15, 1999.
Open to traffic by 7:00 a.m., Thursday, November 18, 1999.
Southbound traffic detoured using 13th, Topeka and 10th Street.

The Contractor is required to notify affected business and residents along the affected streets between 10th and 12th Streets. The Contractor is responsible for construction barricading and detour signing. Temporary traffic control measures will be required to allow access along the one-way streets near the work area. The scheduled closure dates are the Contractor's best projection of the work progress and are dependent upon reasonable weather conditions and no major construction problems.

Motion --
-- carried

Knight moved that the street closure be approved subject to coordination with City Staff, and submission of an insurance certificate. Motion carried 7 to 0.

Agenda Report No. 99-1060.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted (maps attached):

1) Autumn Street Party for Mama's Love First Birthday
Street Closure: North half of Mosley Street between First and Second Streets in Old Town
Sunday, October 24, 1999, 2:00 to 5:00 p.m.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

-- carried

Knight moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.
Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES FOR WILLOWBEND NORTH ESTATES ADDITION – WEST OF ROCK, SOUTH OF 45TH STREET NORTH. (District II)

Agenda Report No. 99-1042.

The City Council approved the Willowbend North Estates Addition on August 24, 1999.

The proposed Agreement between the City and Mid-Kansas Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in the Willowbend North Estates Addition. Per Administrative Payment will be on a lump sum basis of \$42,700, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved and the necessary signatures be authorized. Motion carried 7 to 0.

STAKING SERVICES

SUPPLEMENTAL STAKING AND CONSTRUCTION ENGINEERING SERVICES FOR THE LEGACY ADDITION – WEST OF MERIDIAN, SOUTH OF MACARTHUR. (District IV)

Agenda Report No. 99-1041.

The City Council approved the Forest Lakes Addition plat on June 22, 1999. On July 20, 1999, the City approved an Agreement with Mid-Kansas Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

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The proposed Supplemental Agreement between the City and MKEC provides for the staking and construction engineering services for the improvements in The Legacy Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$37,000, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the supplemental Agreement/Contract(s) be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WIC/HOME CONTRACT WICHITA INDOCHINESE CENTER (WIC) – EXTENSION OF HOME OPERATING CONTRACT.

Agenda Report No. 99-1044.

Wichita Indochinese Center (WIC) is one of the City's non-profit Community Housing Development Organizations. March 17, 1998, the City Council approved operating funds in the amount of \$20,000, from the annual HOME grant for WIC. The purpose of the funding was to financially enable the organization to add a housing coordinator to staff. The original contract was subsequently approved May 19, 1998, and expired May 31, 1999.

WIC filled the Housing Coordinator position, in October of 1998. Since reimbursements under the agreement did not begin until that time, there is still funding available under the original agreement. The Housing Coordinator position will become increasingly important for WIC as the organization proceeds with its CHDO set-aside project in Planeview.

The contract extension does not provide for any funding other than the amount originally approved by the Council.

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EQUIPMENT PURCHASE PURCHASE OF EQUIPMENT – FINANCE DEPARTMENT.

Agenda Report No. 99-1045.

Additional equipment is needed for the City's telephone system in order to take advantage of lower long distance prices. Specifically, an additional T1 circuit will be added to the system providing dedicated long distance service at lower cost. Secondly, the T1 for long distance will reduce traffic on the city's existing trunks, extending the time until additional trunking for local calls is required.

Siemens Information and Communication Networks, Inc., the provider of the City's telephone system, was selected as the sole source provider due to the complexity of the installation and software changes required. Two bids were solicited from Siemens, one specifying new equipment and the other for refurbished equipment. The bid for refurbished equipment provides comparable quality at lower cost.

Funds are available in the 1999 Revised Budget. \$18,137.35 will come from the Telecommunications Fund.

Motion -- carried

Knight moved that the purchase be authorized. Motion carried 7 to 0.

HOUSING PROPERTY CHANGE ORDER - WHA PROPERTY MANAGEMENT BUILDING RECONFIGURATION.

Agenda Report No. 99-1046.

On September 14, 1999, the City Council approved a bid of \$147,400 for reconfiguration of the WHA Property Management Building to accommodate the Housing Services Department offices. The bid was contingent on the building being vacated during construction to allow the work to be completed in the shortest time possible.

Impact of vacating the offices would create undue hardship for the tenants served by Public Housing. The alternative is to complete the project in stages which would allow the offices to remain open in the current location.

Negotiations with the contractor have resulted in a quote of \$15,539 for the additional time and costs which will be incurred by phasing in the work.

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Funding is a combination of CDBG (10 percent), HOME (13 percent), and Housing Authority funding.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EMERGENCY POWER ON-SITE EMERGENCY POWER GENERATING CAPACITY.

Agenda Report No. 99-1047.

All of the water production and treatment facilities for the City require electrical power to operate. Currently, because of the electrical load requirements and the costs associated with such generating capacity, no stand-by electrical generating facilities (outside of the current connections to KG&E) are available in case of an emergency to operate these facilities.

As part of the preparation for Y2K, Staff has refined emergency plans. That process has revealed how essential electrical service is to the operation of the water supply system. The water treatment plant and the Hess Pump Station are currently served by two independent electrical service lines, and a third back-up service line is under construction. This level of service will help assure that the water system will be operational if the City has electrical power. However, if there was a widespread disruption in electrical service from KG&E, water service might be affected.

As part of the City's contingency planning, Staff solicited proposals from several engineering firms familiar with the City's water facilities. These firms were asked to provide an estimated cost for engineering services to determine the feasibility and expense for installing on-site emergency generating facilities. The on-site generating facilities could supply enough power to operate the water system in case of a major power disruption. Two proposals were submitted and Staff recommends approval of the proposal from Professional Engineering Consultants.

The cost of engineering services as described in the proposal is \$23,000. Funds for this study can be made available through the CIP in W-65, Unidentified Water Mains account, if approved by the City Council. The funds would be transferred from CIP W-65 to a new CIP project, W-810, Generators for Water Sites. The study will not result in an increase to the CIP, only a reallocation of funds.

The funds to purchase and install the generators, should that be the City Council's decision, are not in the CIP. An initial rough estimate of the cost of the generators is \$5-to-\$10 million. The CIP would need to be increased by that amount.

Motion --

Knight moved that the Study and Contract be approved; the necessary signatures be authorized; and the CIP be modified by approving the transfer of \$23,000 from W-65, Unidentified Mains, to W-810, Generators for Water Sites. Motion carried 7 to 0.

-- carried

PARK IMPROVEMENTS CENTRAL RIVERSIDE PARK IMPROVEMENTS AND MODIFICATIONS. (District VI)

Agenda Report No. 99-1048.

Numerous improvements and renovations are required to the buildings and grounds of Central Riverside Park to maintain the existing buildings and attractions in a safe, usable state, meet the needs of current park users, and expand public use of the park. These improvements include, but are not limited to, expanding and improving the public bathroom facilities, creating office and classroom space, expanding storage space, repairing existing public attractions, and creating an additional public attraction.

The improvements are an essential first step in the implementation of the Riverside Park System Master Plan presented September 13, 1993, and later modified during public discussions and workshops. The improvements are required to enable Central Riverside Park to meet the needs of park users and area residents. The Project needs to begin in the fall of 1999 to prevent further building and grounds deterioration, and to complete the majority of the work before spring. Upon approval of the Project by Council, Staff will advertise for an architectural firm and/or company or consortium of companies to engage in design, renovation and improvement, and seek Council approval to award Contracts to begin the Project.

The 2000 CIP (PB-380010) has a total of \$500,000 budgeted for the improvements and renovations. Payments to the selected firm and/or company will be made after January 1, 2000.

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Motion --
-- carried

Knight moved that the Project be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select an architectural firm and/or company or consortium. Motion carried 7 to 0.

RESOLUTION NO. R-99-412

A Resolution authorizing the issuance of general obligation bonds of the City of Wichita, Kansas, to pay all or a portion of the costs of designing and constructing renovations and improvements to the City of Wichita Riverside Park System, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

INSURANCE RENEWAL VOLUNTARY ACCIDENTAL DEATH AND DISMEMBERMENT RENEWAL.

Agenda Report No. 99-1049.

The Cigna/INA has provided VADD insurance to City employees for the last 15 years. There have been no rate increases over this period. Approximately 5 years ago, administration of the basic AD&D coverage and City life insurance was moved to Minnesota Mutual. The VADD policy has incurred an average loss ratio in excess of 140%. When Cigna/INA provided both the basic and voluntary AD&D programs they could utilize the profits from the basic plan to offset the losses from the voluntary plan. Since these programs were separated, Cigna/INA has continued to incur losses in excess of 140% of premium.

The loss history was reviewed by the Benefits Advisory Committee, the City's broker, and the City's independent benefit consultant and it is the unanimous recommendation of the Committee, broker, consultant and staff that the policy be renewed with Cigna/INA.

This is a totally voluntary plan for all eligible City employees and is funded 100% by employee contributions. The rates will increase from .048 to .060 per \$1,000 of coverage for employee only coverage and from .072 to .080 per \$1,000 of coverage for family coverage. The result of the premium change for \$50,000 of employee only coverage would be an increase in the monthly premium from \$2.40 to \$3.00. The only City expense is the administration of payroll deductions and enrollment. These costs and expenses will not change as a result of this recommendation.

Motion -- carried

Knight moved that renewal of the policy be approved. Motion carried 7 to 0.

EATON PLACE

EATON PLACE – ASSIGNMENT OF INTEREST.

Agenda Report No. 99-1050.

Eaton block properties CDBG and HOME agreements providing that MetroPlains Development, LLC cannot assign any interest in the agreements without the consent of the City of Wichita have been executed.

MetroPlains Development, LLC, has formally requested the City permit the assignment of interest in the agreements to MDI Limited Partnership #71. MDI Limited Partnership #71 is the entity that will receive the proceeds of the Low Income Housing Tax Credits for the residential portion of the project. Assignment of the interest is necessary to legally permit the limited partnership to use the tax credits.

Motion-- carried

Knight moved that the assignment be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SOCCER COMPLEXES NORTHEAST AND SOUTH LAKES SOCCER COMPLEXES. (Districts II and IV)

Agenda Report No. 99-1051.

On November 5, 1996, the City Council approved an agreement with Regency Lakes II, LLC, in conjunction with the Wichita Strykers Charitable Trust, to develop and maintain a 12-field soccer complex near K-96 and Greenwich Road. Under the agreement, the City approved a donation of land for the fields and agreed to work in cooperation with the Stryker Charitable Trust to create, develop, maintain, and operate a first-class public soccer complex for the benefit of children and adults in Wichita. The City accepted the donation of land and improvements on December 22, 1998.

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Weather extremes, unforeseen problems associated with the site's soil conditions, irrigation system difficulties, and an inability to hire adequate staff in a tight labor market contributed to significant failure of the turfgrass on the soccer fields. As a consequence, the City agreed to an exigency contract with Ritchie Associates in September, 1999, to oversee and maintain the fields through the end of 1999.

Staff research and present experience indicate that maintenance of turfgrass at the Northeast Soccer Complex at a professional standard acceptable to the soccer community will require an investment of resources beyond that which was originally anticipated when donation of the fields was accepted. Soil at the site is of an extremely high clay content and presents a myriad of turf management challenges, particularly in view of the intensive use which the fields will receive. In addition, the site's highly complex, computerized irrigation system contains 144 separate irrigation zones that must be monitored and adjusted at regular intervals to ensure proper moisture levels are available in the turf's root zone under a wide variety of changing weather conditions. Furthermore, heavy field use in the spring and fall will require numerous and accurate turf management decisions, beginning in 2000.

On August 20, City staff toured first-class athletic fields in Hutchinson, including Hobart-Detter Field and the Fun Valley softball complex, which includes four high-use fields and three lower-use fields. All fields are maintained by a professional turfgrass/athletic field manager with support from several full-time and seasonal laborer positions. Annual budget allocations supporting maintenance of the fields amount to approximately \$700,000.

The City's 1999 Revised budget provides \$62,700 in capital equipment to support athletic field maintenance operations at the Northeast and South Lakes athletic complexes. In addition, the 2000 Adopted budget authorizes the hiring of two full-time and two part-time laborer positions. These positions will be responsible for providing irrigation system and turfgrass maintenance for the twelve soccer fields at Northeast, plus an additional sixteen soccer fields and four softball fields at South Lakes. Development plans call for the construction of twelve baseball fields at Northeast as private funds are secured. Four additional softball fields are planned at South Lakes in the next two years.

Temporary reassignment of laborer-level City staff in 1999 to maintain the irrigation systems and turfgrass at Northeast and South Lakes has not provided sufficient resources to maintain athletic fields at the professional standards expected by the soccer community. The addition of two full-time and two part-time laborer positions in 2000 will help address existing inadequacies. At the same time, a non-exempt, professional irrigation system and turfgrass manager position is needed in 2000 to provide professional leadership and technical expertise as each of the athletic field complexes continues to grow in size and usage.

The estimated cost to maintain the soccer fields at Northeast—including overseeding, fertilizing, aerating, watering, and mowing—through the end of 1999 is estimated at \$130,000. Underexpenditures in the Park and Recreation Department budget are available to fund the cost. The annual salary and benefits package required to attract a qualified irrigation system and turfgrass manager is projected at \$43-50,000.

Motion -- carried

Knight moved that the budget adjustments and position be approved. Motion carried 7 to 0.

LINCOLN PARK

LINCOLN PARK INTERACTIVE WATER FEATURE CONSULTANT. (District I)

Agenda Report No. 99-1052.

The City of Wichita has received three proposals from consultants in response to the City's Request for Proposal to provide design, engineering and fountain equipment for construction of an interactive water feature plaza at Lincoln Park. The Park Department is requesting approval of the firm of Hydro Dramatics to provide these services for a fee of \$71,688, based on the recommendation of the City's Staff Screening & Selection Committee.

On February 9, 1999 City Council approved an overall project to make improvements to Lincoln Park. A portion of the project includes a unique interactive water feature plaza in the park, which will replace the demolished swimming pool at that site. The firm of Hydro Dramatics was selected by the City's Staff Screening Selection Committee after their review of three proposals to provide the design, engineering and fountain equipment package for this portion of the overall project. Proposals were received from: Hydro Dramatics - \$71,688; Roman Fountains - \$75,000; Georgia Fountain Co. - \$129,560.

Design and engineering services with fountain equipment are estimated in the amount of \$71,688.

Motion --
-- carried

Knight moved that the vendor selection and contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES.

Agenda Report No. 99-1053.

October 4, 1999, the BCSA heard the properties listed below. These properties are considered dangerous and unsafe structures and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove the properties.

| Property Address | Council District |
|------------------------------|------------------|
| 1. 426 North Gordon | VI |
| 2. 1457 North Topeka | VI |
| 3. 515 South Sycamore | IV |
| 4. 2542 South Laura (garage) | III |
| 5. 3933 East Ross Parkway | III |
| 6. 4313 West Murdock | VI |

Motion --
-- carried

Knight moved that the Resolutions establishing the public hearing for December 7, 1999, at 11:00 a.m. be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-401

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 26 and 28, Block 17, J.O. Davidson's Second Addition to Wichita, Sedgwick County, Kansas, known as 426 North Gordon, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-402

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the north ½ of Lot 43, all of Lots 45-47, Topeka Avenue, Wells Addition to Wichita, Sedgwick County, Kansas, known as 1457 North Topeka in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-403

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 26, 27, and 28, on Sycamore Street, except the east five feet for highway, Kaeiser's Second Addition to Wichita, Sedgwick County, Kansas, known as 515 South Sycamore, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-404

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 41 and 43, Block 7, in LaMascotte Addition to Wichita, Sedgwick County, Kansas, known as 2542 South Laura (garage) in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-99-405

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 6, Block S, Planeview Subdivision No. 1, Wichita, Sedgwick County, Kansas, known as 3933 East Ross Parkway, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-406

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 2, Thunderbird Fourth Addition to Wichita, Sedgwick County, Kansas, known as 4313 West Murdock in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SALARY ORDINANCE

AMENDMENT TO SALARY ORDINANCE: PRO TEM JUDGES.

Agenda Report No. 99-1054.

Pro tem judges serve the role of providing judicial services in place of Municipal Court Judges when the appointed judges are unavailable. By operation of law, Pro tem judges have the same responsibility and authority to dispose of cases as the regular judges.

It is necessary to have highly qualified attorneys serve in the role of Pro tem judge. The current payment for the position has been in place for a number of years and has become outdated. To ensure that qualified attorneys serve in this capacity, it is in the best interest of the City to increase the compensation as follows: For a full day of service - an amount not to exceed \$200 per day (current rate is \$100 per day); for on-half day of service or any part thereof - an amount not to exceed \$75 (current rate is \$50).

Funds are available in the Municipal Court budget to make the suggested adjustments in the rates of compensation for the Pro tem judges.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance providing for a uniform schedule of standard pay ranges for all employees of the City of Wichita, repealing Ordinance No. 44-120, introduced and under the rules laid over.

ORDINANCES

SECOND READING ORDINANCES

(First read August 24, 1999)

- a. Industrial Revenue Bonds - Eaton Place Project. (District I)

ORDINANCE NO. 44-337

An Ordinance authorizing the City of Wichita, Kansas, to issue its residential rental facility revenue bonds in the aggregate principal amount of 6,520,000 and its subordinated residential rental facility revenue bonds in the aggregate principal amount of \$1,000,000 for the purpose of providing funds to acquire, construct, and equip a residential rental facility located in the City of Wichita, Kansas; authorizing the issuance of its taxable industrial revenue bonds in the aggregate principal amount of not to exceed \$7,480,000 for the purpose of providing a portion of the funds to acquire, construct, and equip the residential rental facility and the funds to acquire, construct, and equip and adjacent commercial facility; prescribing the form and authorizing execution of various documents relating to the issuance of and security for the bonds, the lease of the residential rental and commercial facilities,

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and the sale of bonds; and prescribing the form and authorizing the execution of a declaration of condominium with respect to the real property constituting the residential rental and commercial facilities, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(First read October 12, 1999)

- b. Tax exemption request - Graphics Systems, Inc. (District I)

ORDINANCE NO. 44-338

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution providing the terms and conditions for ad valorem tax exemption; and describing the property of Graphics Systems, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- c. Acquisition of right-of-entry by eminent domain for the East Kellogg Improvement Project - 8030 East Kellogg. (District II)

ORDINANCE NO. 44-339

An ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring right-of-entry easement in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands, easements, and access control, therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- d. Sidewalk repair.

ORDINANCE NO. 44-340

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- e. Z-3335 - northeast corner of Harry and Christine. (District III)

ORDINANCE NO. 44-341

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3335

- f. A 99-24 - south and west of 45th Street North and Webb Road. (District II)

ORDINANCE NO. 44-342

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 99-24

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g. A 99-32 - southeast corner of 119th Street West and 29th Street North. (District V)

ORDINANCE NO. 44-343

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 99-32

PLANNING AGENDA

Knight moved that the Planning Agenda be considered as consensus Items. Motion carried 7 to 0.

V-2194

V-2194 - VACATE STREET RIGHT-OF-WAY LOCATED AT 19TH STREET NORTH AND WABASH. (District I)

Agenda Report No. 99-1055.

Staff Recommendation: Approve Vacation of street right-of-way.
MAPC Recommendation: Approve Vacation of street right-of-way.

The applicant is requesting to vacate Wabash Avenue north of 19th Street North, an unimproved road. The applicant owns the property on both sides of Wabash and is desirous of the vacation for future expansion of Tramco, Inc. and for better security of his property.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant shall join (with a covenant) those lots that would be without access if this street were vacated. Lots to be joined are: 1) Odd Lots 1-9, Inclusive, Block 1, Marquis Addition to Wichita, and 2) Even Lots 12-34, inclusive, Meekin's Addition with Lot 14, Harvey's Addition to Wichita, Sedgwick County, Kansas. No written protests have been filed.

Motion --
-- carried

Knight moved that the vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

V-2195

V-2195 - VACATE A PORTION OF ACCESS AGREEMENT LOCATED ALONG THE SOUTHWEST CORNER OF 47TH STREET SOUTH AND GREENWICH ROAD. (District outside the City)

Agenda Report No. 99-1056.

Staff Recommendation: Approve Vacation of portion of access agreement.
MAPC Recommendation: Approve Vacation of portion of access agreement.

The applicant is requesting to vacate access control along the south side of 47th Street South and west of Greenwich Road. The point of access along the west boundary of the property has been developed as a private driveway for another property owner and access is needed to this corner lot.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Motion -- carried

Knight moved that the vacation request be approved. Motion carried 7 to 0.

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V-2197

V-2197 - VACATE A PORTION OF UTILITY EASEMENT LOCATED AT MEADOW PASS AND LAKERIDGE - 2718 NORTH LAKERIDGE. (District V)

Agenda Report No. 99-1057.

Staff Recommendation: Approve Vacation of portion of utility easement.

MAPC Recommendation: Approve Vacation of portion of utility easement.

The applicant is requesting to vacate the west 10 feet of the 20-foot utility easement along the east property line. The applicant wishes to build part of his home and a retaining wall into the existing easement.

Utility and engineering representatives had no objection to this request. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice, contract negotiations, preliminary discussions relating to the acquisition of real property for public purposes, confidential data relating to the financial affairs or trade secrets of a business, and the regular meeting be resumed at 11:00 a.m. in the City Council Chambers. Motion carried 7 to 0.

RECESS

The City Council recessed at 10:30 a.m. and reconvened at 11:05 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

(The Council returned to take up the paving assessments; action is shown in Agenda order.)

RECESS

The City Council recessed at 11:08 a.m. and reconvened in recessed session at 7:05 p.m.

Wichita, Kansas, October 19, 1999
Tuesday, 7:05 p.m.

The City Council met in recessed session at the East Point Church of Christ, 747 North 127th East, at 7:00 p.m. Mayor Knight in the chair. Council members Gale, Lambke, Martz, Pisciotte; present. Council Members Cole, Rogers; absent.

Chris Cherches, City Manager; Doug Moshier, Senior Assistant City Attorney; and Pat Burnett, City Clerk; present.

A 99-27

A 99-27 - THE CITY OF WICHITA SEEKS THE ANNEXATION OF PROPERTY LOCATED EAST AND WEST OF WEBB ROAD, BETWEEN CENTRAL AVENUE AND 13TH STREET NORTH.

Scott Knebel

Planning Department reviewed the Item.

Agenda Report No. 99-1039.

On August 17, 1999, the City Council adopted a resolution that established October 19, 1999, at 7:00 p.m. at the East Point Church of Christ, 747 N. 127th Street East, Wichita, Kansas, as the time and place for a public hearing for this annexation. The areas that are proposed for annexation are located east and west of Webb Road, between Central Avenue and 13th Street North (see Attachment No.1).

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The subject area of this annexation consists of approximately 103 acres that includes a total of 132 properties (113 platted and 19 unplatted) developed into 98 residential tracts, four (4) commercial tracts, three (3) farm-related tracts, twenty (20) vacant tracts, three (3) school tracts, two (2) church tracts, one (1) EMS post and one (1) electric utility station. The areas to be annexed also include portions of the following roads: Webb Road and 13th Street North. The land-use pattern is of the area proposed for annexation is a mix of single-family and multi-family residences, manufactured housing, developed and undeveloped commercial uses, several public/institutional tracts, and several parcels of undeveloped land intermittently located throughout the area. The majority of the area is zoned "SF-20" Single-Family Residential, with several areas zoned "LC" Limited Commercial and "GC" General Commercial. Properties zoned "SF-20" Single-Family Residential will convert to the "SF-6" Single Family Residential district upon annexation.

An informational meeting regarding the proposed annexation was held on September 21, 1999 at the East Point Church of Christ, 747 N. 127th Street East. Approximately 12 property owners attended the meeting and asked several questions regarding annexation (see Attachment No.2).

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The plan describes the means by which City services will be extended to the area. Map No. 2 in the plan shows the properties proposed for annexation. The analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements of this annexation is \$9,193,530, with a resulting initial annual City Ad Valorem tax revenue of approximately \$11,213.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The departments that deliver these services will continue to fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on September 16, 1999. The MAPC agreed with the MAPD staff report and found the proposed annexation in conformance with the Comprehensive Plan by a unanimous vote (11-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotta moved that the public hearing be closed; the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-27

ADJOURNMENT

The City Council adjourned at 7:25 p.m.

Pat Burnett, CMC
City Clerk